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10/063,961	05/30/2002	Jack Klootz	9899.3809	4042

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EXAMINER

PAYNE, SHARON E

ART UNIT PAPER NUMBER

2875

DATE MAILED: 03/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/063,961

Applicant(s)

KLOOTZ, JACK

Examiner

Sharon E. Payne

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-10, 13, 15, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 5-7, 11, 12, 14 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Objections***

1. Claim 14 is objected to because the word "partway" in line 3 should be "part way."
2. Claim 17 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. (Every port is of a predetermined shape.)

***Claim Rejections - 35 USC § 112***

3. Claims 17 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 17 and 18, the references to "said port" are indefinite, because it is not clear if the port in the base or the longitudinal port is being referenced. For purposes of writing this Office Action the phrase "said port" is assumed to mean the port in the base.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1, 3, 9, 10 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Molnar (U.S. Patent 4,786,127).

Regarding claim 1, Molnar discloses a light source for fiber optic instruments. The apparatus includes a light source (Fig. 1) and a fiber optic cable (14 a-d) for use within a housing for the fiber optic illuminator (Fig. 3), a generally cylindrical body portion with a front end and a back end (flat, vertical portion of 29' in Fig. 3), having a plurality of openings with ports (Fig. 3) wherein each port is adapted for interengagement with a specific type of fiber-optic cable (Fig. 3) and means for incrementally rotating and indexing the body portion within the housing (outer portion including horizontal portion of 29' in Fig. 3) of the fiber optic illuminator so that a particular port is in optical communication with the light source (Fig. 3).

Concerning claim 3, Molnar discloses a stand axis (Fig. 3) and a handle axis (Fig. 3).

Regarding claim 9, Molnar discloses a light source (reference number 22), a turret comprising a plurality of ports each with a front end and a back end (Fig. 5) wherein the front end of each port is specifically adapted for inter-engagement with a fiber-optic cable (Fig. 5), a housing having an inside and an outside that at least partially encloses the light source and the turret body such that a particular port simultaneously is in optical communication with the light source and is accessible from outside the housing (Fig. 5), means for rotatably mounting the turret within the housing such that a particular port simultaneously is in optical communication with the light source and is accessible from outside the housing (Fig. 5).

Concerning claim 10, Molnar discloses a handle (reference number 28') located outside the housing connected to a front end of the turret (Fig. 4).

Regarding claim 13, Molnar discloses a stand for the turret located inside the housing (Fig. 3).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Molnar in view of Pillers et al. (U.S. Patent 5,309,330).

Regarding claim 2, Molnar does not disclose cooling fins. Pillers et al. discloses one or more cooling fins located around each opening (Fig. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the cooling fins of Pillers et al. in the apparatus of Molnar to cool the apparatus.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Molnar in view of Liao et al. (U.S. Patent 6,565,223).

Regarding claim 4, Molnar discloses a handle (reference number 66) connected to the body portion of the turret at the handle axis (Fig. 3). Molnar does not disclose the handle being located outside of the housing. Liao et al. discloses a handle (reference number 50) outside of the housing (Figs. 1 and 4-6).

It would have been obvious to one of ordinary skill in the art to replace the handle of Molnar with the handle of Liao et al. so that a person can control the apparatus of Molnar from outside the housing.

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Molnar in view of Pileski (U.S. Patent 5,882,102).

Regarding claim 8, Molnar does not disclose a spring. Pileski discloses a spring adapted for linkage to a specific fiber-optic cable (column 3 in line 63 to column 4 in line 22).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the spring of Pileski in the apparatus of Molnar to secure the fiber-optic cable.

10. Claims 15, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Molnar in view of Krauter et al. (U.S. Patent 6,007,255).

Regarding claim 15, Molnar discloses a turret body adapted for mounting within the fiber-optic illumination device (Fig. 5), the turret body comprising a base portion (vertical portion of 28' in Fig. 5) and the base portion including one or more ports sized to selectively receive and engage an end of one of a multiple of fiber-optic cables (Fig. 5), mounting means for mounting the turret body within the illumination device (Fig. 5) and selective rotating means for selectively controlling the rotation of the turret body in order to expose one of the turret body ports such that light from the illumination device is directed through a corresponding fiber-optic cable engaged with the exposed port (Fig. 5). Molnar does not disclose an elongated portion as described in the claim.

Krauter et al. discloses an elongated portion (reference number 102), the elongated portion including one or more longitudinal ports disposed therethrough (column 4, lines 50-55), the one or more longitudinal ports corresponding to the one or more ports in the base portion (Fig. 1), the one or more longitudinal ports sized to receive and engage the one end of the variety of fiber-optic cables (column 4, lines 50-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use one of the longitudinal ports of Krauter et al. in the apparatus of Molnar to protect the fiber optic cables.

Regarding claim 17, as best understood, Molnar discloses each port being a predetermined shape (Fig. 3).

Regarding claim 18, as best understood, Molnar discloses each port being adapted for a different fiber-optic cable (Fig. 3).

#### ***Allowable Subject Matter***

11. Claims 5, 6, 7, 11, 12, 14 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. The following is a statement of reasons for the indication of allowable subject matter. The prior art does not disclose the following features:

1) a disk with a plurality of depressions on the back surface located at the back end of the turret body;

2) a plurality of depressions on the back end of the turret body;

3) a cleft in one or more of the cooling fins;

4) bearing means located at least part way in the depression and means for resiliently biasing the bearing means so that the bearing is in mechanical cooperation with the turret so that the turret is incrementally rotatable.

Regarding claim 16, Molnar and Krauter et al. disclose the elements of claim 16, and Copenhaver et al. (U.S. Patent 5,677,787) discloses the elements of claim 16. However, no motivation exists to combine the references.

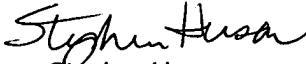
**Conclusion**

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon E. Payne whose telephone number is (571) 272-2379. The examiner can normally be reached on regular business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sep

  
Stephen Husar  
Primary Examiner